



ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF INVESTIGATION

SA16-250

SUPPLEMENTAL REPORT

CASE NAME: MIGEUL SILICEO & [REDACTED]

CLASSIFICATION: OFFICER MISCONDUCT

TYPE: TRANSCRIPT OF BODY WORN CAMERA – OFFICER LEMOINE

AGENCY: FULLERTON POLICE DEPARTMENT

On July 9, 2016 at approximately 0225 hours, Fullerton Police Officer EDWARD LEMOINE activated his Body Worn Camera in the area of 100 West Amerige Avenue, Fullerton. He recorded part of the incident involving Fullerton Police Officers MIGUEL SILICEO and [REDACTED]. The following is a transcript of the video entitled 390-2:

RE: SILICEO & [REDACTED] CASE # SA 16-250

SUBJECT: TRANSCRIPT - BODY WORN CAMERA - 390-2 Lemoine
EDWARD LEMOINE - Police Officer, Fullerton PD

PRESENT: VICTOR SERRANO

ALSO PRESENT: LUIS DIAZ

ALSO PRESENT: [REDACTED] – Police Officer, Fullerton PD

ALSO PRESENT: MIGUEL SILICEO – Police Officer, Fullerton PD

ALSO PRESENT: MICHAEL BOVA – Police Corporal, Fullerton PD

ALSO PRESENT: DAVID BECERRA – Police Corporal, Fullerton PD

ALSO PRESENT: EDWARD LEMOINE – Police Officer, Fullerton PD

DATE: 07/09/2015 02:25:31 to 02:30:20 hours

LOCATION: 100 WEST AMERIGE AVENUE, FULLERTON

Investigator: D. MELNYK #250

David F. Melnyk

Approved By:

Stam Berry

Date of Report: 08/09/2016

Date: 08/18/2016

LEGEND: ... Denotes pauses between words or phrases, incomplete sentences, Stammering, etc. (Does not indicate missing words).
 *** Denotes unintelligible conversation.
 (Sic) Denotes precisely reproduced word.

(AUDIO BEGAN 30 SECONDS AFTER VIDEO).

UNKNOWN: *** (unintelligible)

SERRANO: Why me? Why me?

UNK SUBJECT: Don't do nothing.

UNK SUBJECT: Hey, come on man.

SILICEO: *** out of here. (SILICEO PUSHES DIAZ). Get out of here. He's under arrest.

(SERRANO PLACED IN HANDCUFFS).

UNK SUBJECT: That's obstruction.

LEMOINE: Go.

SILICEO: *** you're going to jail now. Get out there or you're going to jail too.
 Get out there or you're going to jail too.

DIAZ: Hey, that's racist.

██████: Racist?

LEMOINE: *** (unintelligible) *** go ***

DIAZ: We're fucking walking away. *** (talking over each other)

██████: It's got nothing to do with racist.

DIAZ: *** hey we got witnesses right here, hey we got witnesses ***

BECERRA: *** You need to listen to your friend. You need to go listen to your friend.

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(SERRANO LED TO POLICE CAR).

UNK OFFICER: Hey, go home ***

UNKNOWN: Hey ***

DIAZ: Hey, hey, we did not do nothing here.

BECERRA: You can pick him up in four hours.

DIAZ: *** nah, nah, hey, where is my phone?

BECERRA: Over there. Pay attention to that dude.

UNK SUBJECT: I got it fool. ***

DIAZ: Hey give me my phone. ***

UNK SUBJECT: Hey, we didn't do anything. How can you just push us like that?

LEMOINE: *** Go on. Go home.

BECERRA: He's drunk.

UNK SUBJECT: ***he's my sober friend ***

DIAZ: Ah my goodness. Hey, that's my brother right there.

UNK SUBJECT: We're waiting for our Uber...

DIAZ: Uber. Hey, hey ***

LEMOINE: *** if you go over there you're going to go to jail.

DIAZ: For real?

LEMOINE: You go over there you're going to go to jail.

DIAZ: For what? He's not doing anything, bro.

LEMOINE: He's going to jail.

DIAZ: Why's he doing? What, what ***

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UNK SUBJECT: *** fool, cuz he's ***

UNKNOWN: ***You dumbass. It's all your fault.

DIAZ: I'm not doing nothing dude, bro.

LEMOINE: Leave.

UNK SUBJECT: Hey.

LEMOINE: Find your car and leave.

DIAZ: We're going to....

LEMOINE: You want to go to jail too?

DIAZ: We got Uber. We got Uber.

LEMOINE: Do you want to go to jail too? Then go park your ass on the curb and sit down.

DIAZ: Dude, Uber is going pick us up.

LEMOINE: Go park your ass on the curb.

UNK SUBJECT: Oh my God bro ***

LEMOINE: I'm not babysitting your drunk ass, go sit down. (radio)

DIAZ: Uber is going to pick us right here.

LEMOINE: Then sit down.

UNK SUBJECT: We're waiting for Uber...

LEMOINE: If I see you get up...

UNK SUBJECT: ***

LEMOINE: If I see you get up and walk over there you are going to jail. Do you understand?

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DIAZ: For what?

LEMOINE: Do you understand?

UNK SUBJECT: ***

DIAZ: What did I do?

LEMOINE: Drunk in public.

UNK SUBJECT: Dude, for what?

LEMOINE: Drunk in public.

DIAZ: I'm not even moving from here.

UNK SUBJECT: His brother didn't do anything though.

DIAZ: Go ahead and fucking, fucking touch me? Dude, my brother did not do anything. You know what, hey dude (unintelligible) my brother do anything...

LEMOINE: Sit down.

DIAZ: Alright. I'm going to sit down.

LEMOINE: Good.

DIAZ: My brother did not do anything.

UNK SUBJECT: ***not to come back over here.

DIAZ: And you guys fucking touched my brother for no reason.

UNK SUBJECT: Why are you guys arresting him and not him?

UNKNOWN : ***right now.

DIAZ: Hey, dude, these guys***

UNK SUBJECT: We're all drunk. There's no point...

█ : ***or you're are going to jail too.

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UNK SUBJECT: Why you arresting him? No one is talking anything?

█: Start finding a cab over there or you guys are going to jail too.

UNKNOWN: ***(talking over each other)

DIAZ: Uber is going to pick us up right here.

█: Tell him to go over there.

DIAZ: No. He said right here. And I'm going to stay right here.

█: I'm telling you to leave.

DIAZ: No. Uber is going to come and pick us, pick me up right here.

UNK SUBJECT: *** why are you arresting him?

UNKNOWN: ***

DIAZ: No. Uber said right here. Do not move. He told me not to move. And

I'm not going to move. Bro, *** (talking over each other)

UNK SUBJECT: *** trying to be reasonable.

DIAZ: If you want to (talking over each other).

█: I'm giving you a lawful order to leave now.

DIAZ: Why?

█: Okay, it's on camera.

UNK SUBJECT: *** he wants *** Uber to leave.

UNKNOWN: I got you, I ***

DIAZ: I, I will go to jail ***

UNK SUBJECT: Come on man. ***

(DIAZ PLACED IN HANDCUFFS).

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BOVA: Back up.

DIAZ: He wants, hey, I'm not, I'm not *** I'm not even moving, bro.

UNKNOWN: ***

DIAZ: Uber, Uber *** is recording

UNKNOWN: *** (talking over each other)

UNK SUBJECT: You'll get out in six hours, bro.

██████: Now you're going to.

DIAZ: Alright.

UNKNOWN: *** trouble right.

UNK SUBJECT: *** come on Abel.

BECERRA: He'll get out in four to six hours.

UNKNOWN: No point in this ***

BECERRA: Do you know where the station is at?

UNKNOWN: No.

BECERRA: It's just down the street.

UNKOWN: ***

BECERRA: Yeah, this is Commonwealth.

UNKNOWN: Alright.

BECERRA: You go that way.

UNKNOWN: Alright.

BECERRA: Alright?

UNKNOWN: Alright. Thank you.

UNK SUBJECT: How the fuck are we going to get home?

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[REDACTED]: (DIAZ ALREADY SEATED IN [REDACTED] S POLICE CAR).
 *** okay.
 DIAZ: *** Oh my god. You guys are taking my phone?
 UNKNOWN: ***
 DIAZ: *** he's taking my phone.
 [REDACTED]: No you're going to get it back.
 DIAZ: It's so embarrassing, bro. For reals. Cuz I, I couldn't even...
 [REDACTED]: Turn your head the other way please.
 DIAZ: I could not even understand your English.
 UNKNOWN: *** okay.
 [REDACTED]: *** okay *** well I am speaking English.
 DIAZ: Your English is ***
 [REDACTED]: I got him.
 BECERRA: Alright (door closing).
 LEMOINE: Did Sonny take the other one?
 [REDACTED]: Yeah.
 LEMOINE: *** overtime. (Laugh) Ah, funny.

TRANSCRIBED BY: Stephanie Blay
 Orange County District Attorney's Office

REVISED BY: David Melnyk / DA Investigator
 (NAME / TITLE)

Orange County District Attorney's Office / 08-09-16
 (DEPARTMENT / DATE)

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Approved By: *Stan Benz*

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